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Application No. 10/517072
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Amendment
Attorney Docket No. H01.21-11733-US01

Amendments To The Drawings:

Attached is a proposed new Figure 1. The new figure is fully supported by claim 14 as filed and the specification as filed, and merely conforms the specification and drawings to the claims as filed.

Applicant will file a formal replacement sheet once this proposed figure is approved.

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Amendment
*Attorney Docket No. H01.2I-11733-US01***Remarks**

This Amendment is in response to the Office Action dated July 17, 2006. In the Office Action, the Examiner objected to the drawing. Claims 1-3, 5, and 9-13 were rejected as anticipated by Dragan (US 5,676,543). Claims 1-3, 5, 9, 10, 12, and 13 were rejected as anticipated by Amstutz et al. (US 4,559,013). Claim 14 was rejected as anticipated by Drake (US 4,538,920). Claims 6-8 and 14 were rejected under 35 USC 103(a) as being unpatentable over Dragan (US 5,676,543). Claims 6-8, 11, and 14 were rejected under 35 USC 103(a) as being unpatentable over Amstutz et al. (US 4,559,013). Claim 14 was rejected under 35 USC 103(a) as being unpatentable over Drake (US 4,538,920) in view of Konings et al. (US 5,371,162). Claims 1, 10, and 14 have been amended. No new matter has been added. The objection and rejections are addressed below.

Objection To The Drawings

Applicant has attached a proposed Figure 1 without the objected to features. The specification and original claim 14 support Figure 1. Applicant will file a formal replacement sheet once this proposed figure is approved.

Anticipation Rejections

Claims 1-3, 5, and 9-13 were rejected as anticipated by Dragan (US 5,676,543). Claims 1-3, 5, 9, 10, 12, and 13 were rejected as anticipated by Amstutz et al. (US 4,559,013). Claim 14 was rejected as anticipated by Drake (US 4,538,920). Both independent claims 1 and 10 have been amended to incorporate the limitation of "an elastomeric material which adheres to the teeth and gingiva". Neither Dragan nor Amstutz teach an elastomeric material which adheres

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to the teeth and the gingiva. For at least this reason, Applicant believes the anticipation rejections of the independent claims and those claims dependent thereof are overcome.

Regarding claim 14, the claim has been amended to recite within the claim "a covering composition selected from the group consisting of A-silicones". The device of claim 14 is also used for the method of claim 10 which teaches an elastomeric material which adheres to the teeth and gingiva. Drake does not teach a method using an elastomeric material which adheres to the teeth and gingiva or the use of A-silicones. For at least these reasons Applicant believes claim 14 is allowable in light of Drake.

Applicant respectfully requests that the anticipation rejections be withdrawn.

Obviousness Rejections

Claims 6-8 and 14 were rejected under 35 USC 103(a) as being unpatentable over Dragan (US 5,676,543). Independent claims 1 and 10 include the limitation that the material "adheres to the teeth and gingiva". Dragan does not teach or suggest this limitation. In fact Dragan indicates the preferred use of a condensation silicone and discourages the use of A-silicones (column 3, line 24 et. seq.). Furthermore, it is not stated anywhere in Dragan that the materials should adhere to the gingiva. In contrast, the materials should preferably not adhere to the gingiva, as according to Dragan they impair the precision of the impression.

Thus, the solution to the problem solved by the present invention does not have the slightest to do with the contents of Dragan.

Regarding claim 14, the claim has been amended to recite within the claim "a covering composition selected from the group consisting of A-silicones". The device of claim 14 is also used for the method of claim 10 which teaches an elastomeric material which adheres to

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the teeth and gingiva. Dragan does not teach or suggest using an elastomeric material which adheres to the teeth and gingiva and teaches against the use of A-silicones. For at least these reasons Applicant believes claim 14 is allowable in light of Dragan.

Applicant respectfully requests that the rejection be withdrawn.

Claims 6-8, 11, and 14 were rejected under 35 USC 103(a) as being unpatentable over Amstutz et al. (US 4,559,013). Independent claims 1 and 10 include the limitation that the material "adheres to the teeth and gingiva". There is no teaching or suggestion in Amstutz that an elastomeric material adheres to the teeth and gingiva. Thus, independent claims 1 and 10 overcome the obviousness rejection. For at least this reason claims 6-8, and 11 dependent thereon also overcome the rejection.

The device of claim 14 is used for the method of amended claim 10 which teaches an elastomeric material which adheres to the teeth and gingiva. Amstutz does not teach or suggest using an elastomeric material which adheres to the teeth and gingiva. For at least these reasons Applicant believes claim 14 is allowable in light of Amstutz et al.

Applicant respectfully requests that the rejection be withdrawn.

Claim 14 was rejected under 35 USC 103(a) as being unpatentable over Drake (US 4,538,920) in view of Konings et al. (US 5,371,162).

As stated above, claim 14 claims the method of amended claim 10 which teaches an elastomeric material which adheres to the teeth and gingiva. Neither Drake nor Konings et al. teach or suggest using an elastomeric material which adheres to the teeth and gingiva. For at least these reasons Applicant believes claim 14 is allowable in light of Drake in view of Konings et al. Applicant respectfully requests that the rejection be withdrawn.

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Conclusion

Because the amendment after final removes issues for appeal and places the claims in condition for allowance, its entry is respectfully requested. In light of the above, claims 1-3 and 5-14 are believed to be in condition for allowance. Notification to that effect is respectfully requested.

Respectfully submitted,

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Date: October 17, 2006

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